

REMARKS

Claims 1 - 4 and 7 - 10 are pending in the application.

The following issues are outstanding in the Office Action with mailing date of July 21, 2003;

--Claims 3 and 9 are objected to, as being not clear what is (and what is not) a "foam-type" material.

--Claims 1 - 4, 7 - 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hall (U.S. Patent No. 4,375,111) or Miller (G.B. 2009594).

Applicant hereby traverses the outstanding rejection and requests reconsideration and withdraw thereof in light of the amendments and remarks contained herein.

Claims 3 and 9 have been objected to as being unclear as to what is, and what is not, a "foam-type" material. With this amendment, Claims 3 and 9 have been amended to overcome this objection.

Claims 1 - 4, 7 - 10 have been rejected under 35 U.S. C. §102(b) as being anticipated by Hall or Miller. An invention is anticipated if all elements of the claims are disclosed in the single prior art reference. Neither Hall nor Miller anticipate the claimed invention.

The Miller reference shows a bed device. Miller shows elements (10) that are sized to stack into the cover (20), they do not flexibly conform to the shape of the cover as claimed in independent claims 1, 7, and 11. This is important because the conformable material provides a shape that is attractive and that will support a person sitting on it. The design of Miller must rely on a more rigid element (10) to support a person sitting on it, these more rigid elements are less comfortable to lay on when the device is in its bed configuration. The Miller reference further fails to show a cylindrical shape having a slit closure as claimed. The Miller reference also fails to show the closure having a length less than the diameter of the circular end of the cylinder as claimed in claim 13. This is important because the slit opening serves to retain the layer (20) in the cover, even when the device is transported. The length of the slit provides for a cover that naturally supports a person sitting on the device when in its chair shape. The opening of Miller will tend to collapse into the cavity when sat on.

It is unclear if the Miller device shows a closure.

The Hall reference fails to show a seat configuration. The Hall reference also fails to show a second layer having a first shape that is generally rectangular and flat and a second shape, when stored in said cavity, flexibly conforming to the shape of said cavity.

In column 4 line 32 Hall states: "...so that when the mat (110) is folded it is *readily* contained within the bag" (Italics added). In the Hall device there is no reason to make the cover shape conform to the mat, the term readily is taken to mean that the mat will easily fit in the bag. To make it fit tight, with a conforming shape therefore runs contrary to the teaching of Hall.

Neither Hall or Miller show a layer (20) that frictionally engages the cover. This is important both to retain the layer (20) in its stored position and the friction supports the device when used in its chair configuration.

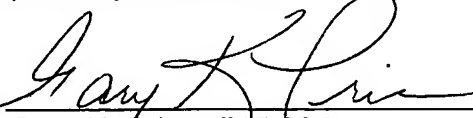
Also, independent Claims 1, 7 and 11 include the narrowing language that the first layer (10) having a circular configuration. Unlike the bag (12) in Hall shown as having a substantially rectangular configuration, and the mattress stack in Miller forming a cuboidal unit. Again, the circular configuration of the present invention is necessary to form a suitable seating unit that provides the user support in the seated position. The bag (12) of Hall, with the mat (14) contained therein, is clearly unsuited for a seating apparatus; as well as the cuboidal unit of Miller.

Independent Claims 1 and 7 have now been amended to further include the second layer (20) is diagonally folded so that the second layer (20) is received within the cavity (12) of the first layer (10). This limitation is again distinguished from the prior art. Miller discloses a foam mattress hinged in three pieces for folding. Each mattress comprises three square pieces (10) joined together to be foldable by means of a pair of fabric hinges. Each of the square pieces are folded upon one another. The mat (10) and Hall includes horizontal and vertical folded lines for folding the mat (10) into a compact arrangement. Neither Hall or Miller disclose a second layer (20) that is diagonally folded so that the second layer (20) is received within the cavity (12) of the first layer (10). Again, this limitation is distinct from the prior art.

For these reasons, it is felt that independent Claims 1, 7 and 11, and dependent Claims 2 - 4, 8 - 10, and 12- 14 are in condition for allowance.

Reconsideration and an early allowance of the application as amended, is therefore requested.

Respectfully submitted,

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